

REMARKS

Claims 20-30 are pending in the case. The relationship of this case to earlier filed applications in the same family has been added to the specification by amendment.

Statutory-Type Double Patenting under 35 USC 101

Applicants have cancelled Claim 22 of the instant case, the claimed subject matter specific to the transformed *E. coli* designated ATCC 69789.

Non-statutory Double Patenting

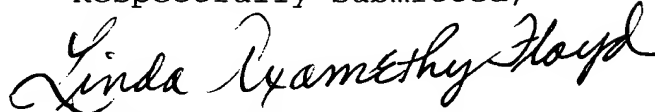
Claims 20-21 and 22-30 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-2 and 4 of US 6,025,184, issued 15 February 2000.

The undersigned regrets any inconvenience to the Examiner with regard to this issue. Both the instant patent application and the cited US 6,025,184 trace their lineage to a common parent, Appl. No. 08/440,293, filed 12 May 1995. This genealogy appears on the cover page of the PCT publication WO96/35796. As the Examiner points out, the priority case included any host bacterium comprising the 35 kb fragment and suggested (Column 10, lines 56-67, and Column 11, lines 1-9) that other specific hosts can be used in the invention. The particular deposited strains of the instant Claims 24-30 fall under the umbrella of the issued claims.

Applicants intend to file a terminal disclaimer as suggested. However, an inconsistency in the assignment record requires attention to permit this to be filed.

In view of the foregoing, a Request for Continued Examination is filed concurrently.

Respectfully submitted,

A handwritten signature in cursive script, reading "Linda Axamethy Floyd".

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